

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ROLANDE CUTNER,

Plaintiff,

-against-

Docket No.: CV-07-8649
(LAK)(WM)

**AFFIDAVIT OF RAFAL
MARKWAT**

THE LANTERN GROUP, ST. LOUIS HALL L.P.,
SRO HOTEL THE ST. LOUIS a/k/a THE ST. LOUIS
HALL, 319 REALTY SERVICES, LLP, and 319
WEST LLC and XYZ CORPORATION (said name
being fictitious, it being the intention of CUTNER to
designate any corporation having a legal interest in the
SRO HOTEL THE ST. LOUIS,

Defendants.
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STATE OF NEW YORK)
 ss:
COUNTY OF NEW YORK)

RAFAL MARKWAT, being duly sworn, deposes and says under penalty of perjury:

1. I am a Development Associate for The Lantern Group, Inc., a Defendant in this matter. I submit this affidavit in support of Defendants' motion for summary judgment.

2. The Lantern Group, Inc. is a not-for-profit organization that, through its affiliated entities, owns and operates buildings within New York City communities that serve as housing for low income families and single adults living with special needs.

3. The Lantern Group temporarily lost its federal not-for-profit status as a result of a clerical error on the part of its accountant. This error was corrected, and to my knowledge, the Lantern Group's federal not-for-profit status has been restored.

4. To my knowledge, the Lantern Group has consistently maintained its New York State not-for-profit status.

5. St. Louis L.P. is an affiliated entity of the Lantern Group. It is a limited partnership, which was formed for the purpose of owning the building known as St. Louis Hall, located at 319 West 94th Street, New York, New York, after the proposed renovation of the building is completed.

6. 319 Realty Services L.P., is an affiliated entity of the Lantern Group. It is a limited partnership responsible for the management of St. Louis Hall.

7. There is always an individual present at the front desk of St. Louis Hall. On weekdays during the 8 a.m. to 4 p.m. and 4 p.m. to midnight shifts, St. Louis Service Corporation employs individuals to provide security services within St. Louis Hall, and provides a Resident Coordinator who handles the front desk duties. The Lantern Group also has a contract with FJC Securities, which provides security guards service from midnight to 8 a.m. on weekdays and weekends.

6. In September 2007, 319 Realty Services LP implemented a policy providing that a St. Louis Service Corp. Resident Coordinator may accept a package on behalf of a tenant with a disability. The tenant must first complete a Package Delivery Assistance Form, which authorizes St. Louis Service Corp. employees to accept packages on his/her behalf.

7. To my knowledge, St. Louis Service Corp. employees have accepted deliveries on plaintiff's behalf.

8. 319 Realty Services LP maintains a policy requiring all tenants to sign a Package Log when retrieving a delivery from the front desk. It is my understanding that

plaintiff has consistently refused to sign the Package Log when retrieving her packages. Thus, while I am aware that plaintiff alleges that the management has refused to accept her deliveries, her refusal to sign the Package Log makes it difficult, if not impossible, to track when her packages are accepted or retrieved.

9. It is my understanding that plaintiff is a disabled 73 year old woman of French descent. The tenants of St. Louis Hall are of varying ages, races and disabilities.

10. The Lantern Group, through its architect, submitted plans to the New York City Department of Buildings for the renovation of St. Louis Hall. Although these plans have been approved, the Lantern Group cannot commence construction because plaintiff, along with several other neighborhood residents, has commenced an Article 78 proceeding in an attempt to revoke the zoning variance which the City of New York, through Board of Standards and Appeals granted to the Lantern Group. To my knowledge, this case is still pending.

11. The Lantern Group has not received federal funding in connection with St. Louis Hall.

Dated: New York, New York
September 4, 2008


RAFAL MARKWAT

Sworn to before me this
4th day of September 2008


NOTARY PUBLIC

